



SO ORDERED,

Jason D. Woodard
Judge Jason D. Woodard
United States Bankruptcy Judge

The Order of the Court is set forth below. The case docket reflects the date entered.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

IN RE:

CHAPTER 13

ALBIRDIA D. BROWN, DEBTOR

CASE NO. 17-12178-JDW

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., AS
SUCCESSOR TO BNY MIDWEST TRUST
COMPANY, BNY MIDWEST TRUST
COMPANY, AS SUCCESSOR HARRIS
TRUST AND SAVINGS BANK, AS
TRUSTEE, OF BOMBARDIER CAPITAL
MORTGAGE SECURITIZATION
CORPORATION,
SENIOR/SUBORDINATED PASS-
THROUGH CERTIFICATES, SERIES
1999-B

MOVANT

VS.

ALBIRDIA D. BROWN, DEBTOR
WENDALL W. BROWN, CO-DEBTOR

RESPONDENTS

**AGREED ORDER RESOLVING MOTION FOR RELIEF FROM THE AUTOMATIC
STAY AND CO-DEBTOR STAY AND TO ABANDON PROPERTY [DOCKET #59]**

This Matter was set for hearing on February 13, 2019, upon the Motion for Relief from the Automatic Stay and to Abandon Property [*Docket #59*] (hereinafter *Motion for Relief*) of The Bank Of New York Mellon Trust Company, N.A., As Successor To BNY Midwest Trust Company, BNY Midwest Trust Company, As Successor Harris Trust And Savings Bank, As Trustee, Of Bombardier Capital Mortgage Securitization Corporation, Senior/Subordinated Pass-Through Certificates, Series 1999-B (hereinafter *The Bank of New York*) and Debtor's Response [*Docket #62*], regarding the real property and improvements located at and commonly known as ***Rt 2 Lamar Road, Ashland, Mississippi 38603, as well as a 1998 Cavalier 28x56 mobile home having serial number ALCA1297556S41374AB*** (hereinafter *Property*).

Notice of the hearing was given for the above date, and based upon the pleadings, and other filings herein, and further, upon the consent of all parties, it is hereby

ORDERED that the Motion for Relief is conditionally denied.

IT IS FURTHER ORDERED that Debtor shall pay Movant all post-petition payments, consisting of the following:

<u>Albirdia D. Brown Mortgage Arrearage</u>				
<u>Begin</u>	<u>End</u>	<u># Mos.</u>	<u>Monthly Amount</u>	<u>Total</u>
Post-Petition:				
9/1/2018	1/1/2019	5	\$715.62	\$3,578.10
2/1/2019	2/1/2019	1	\$872.62	\$872.62
Attorney Fees				\$850.00
Filing Costs				\$181.00
Net Arrearage to be paid through the Chapter 13 Plan				\$5,481.72
Less: Suspense				(\$9.38)
Total Arrearage to be paid through the Chapter 13 Plan				\$5,472.34

IT IS FURTHER ORDERED that Debtor's post-petition arrearage of \$5,472.34 shall be placed in their Chapter 13 Plan, and Debtor's payment shall be adjusted as necessary by the Chapter 13 Trustee to allow for satisfaction of the arrearage over the remaining plan term. The Bank of New York may file an additional claim to be paid at that rate, or this order may control.

IT IS FURTHER ORDERED that in the event The Bank of New York does not receive any regular monthly payments from Debtor (beginning with the March, 2019 payment) within thirty (30) days from the date such payment comes due, and after a fifteen (15) day written notice of default to Debtor and Debtor's attorney, the stay provided under 11 U.S.C. §362 shall terminate automatically without further order of this Court, as it relates to the enforcement of the lien regarding the aforementioned property, and The Bank of New York, its successors and assigns, shall be free to enforce any and all of their respective rights, title and interest in and to the aforementioned property, including, but not limited to, foreclosure, in accordance with the provisions of the Note and Deed of Trust and the laws of the State of Mississippi. The provisions of this Order shall continue to remain in force and effect upon the conversion of this case to any other chapter of the Bankruptcy Code.

###END OF ORDER###

Approved, Prepared and Submitted by:

/s/ Karen A. Maxcy
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Approved and Agreed to:

/s/ Heidi Milam with permission by KM
Heidi Schneller Milam, Jr. MS Bar #
Attorney for Albirdia D. Brown

/s/ Jeff Collier with permission by KM
Attorney for Locke D. Barkley
Chapter 13 Trustee